

1 Q Franklin, I'm sorry. I mean Franklin.

2 A Oh. Bill Franklin was the attorney for Alee in
3 the early years prior to Hopkins and Sutter becoming
4 counsel.

5 Q When was he retained as the attorney for Alee?

6 A I don't know exactly. I remember being told he's
7 our attorney. Whenever anything was prepared or sent to me
8 for signature that this was done by our attorneys Pepper &
9 Corazzina.

10 Q So the partnership never voted to retain him?

11 A I think there was something formal at the December
12 meeting, but I don't recall exactly when it happened. But
13 we did retain him, and there was a consent there. I don't
14 recall exactly when it came about.

15 Q Did you consent to retaining him?

16 A Yes.

17 Q Who does the partnership rely on now at this point
18 for advice on legal matters?

19 A Well, it would be Drinker, Biddle & Reath.

20 Q Would then the executive committee, are you the
21 person that basically the other two executive committee
22 members look to regarding legal matters?

23 A I handle a lot of the legal work for them. When
24 you say, "legal matters," in other words the litigation, no,
25 but for example leases, there's something within the

1 partnership. They'll generally come to me.

2 Each of us have our own sort of separate things
3 Terry does the financial, but the legal matters with Alee
4 have been so extensive and most of them litigation that I
5 don't do that litigation.

6 Q Look at page 3 of your statement, line 12, wherein
7 you state that the majority of your time as a member of the
8 executive committee has been spent in working with the
9 attorneys who have represented us in respect to the
10 litigation concerning the New Mexico license as well as the
11 Texas 21 application.

12 A Yes.

13 Q So you're actively involved in this litigation,
14 aren't you?

15 A Yes, yes. I'm actively involved. In other words,
16 something occurs. The three of us may be on the phone with
17 the attorneys. It's not that I'm just the only person, or
18 there may be -- "what's a declaratory judgment." I'll
19 explain something like that. Those are the type of things.
20 The ruling will come down, and I'll talk at a partnership
21 meeting what the ruling said. Yes, I am involved in the
22 litigation.

23 Q Well, when you talk to your attorneys about issues
24 or you receive advice from you attorneys, do the members of
25 the executive committee then talk among yourselves and/or

talk with the partnership members regarding that advice or
2 do you just accept whatever action or advice the attorneys
3 offer to you?

4 A We relate to the partners when something
5 significant has occurred or has come down. We'll discuss
6 with each other if there is something that needs to be
7 discussed. The attorneys have asked us a question or
8 something like that.

9 It depends upon the significance as to whether we
10 speak with the partners. Is this something that the
11 partners should be made aware of, should vote on, or is this
12 just something in the normal course.

13 Q Well, assuming you don't even talk to the partners
14 about it, you get advice as to a course of action from your
15 attorneys.

16 A Yes.

17 Q Do you automatically follow their advice or do you
18 have any independent discussion about their advice?

19 A usually we follow their advice, but there are
20 occasions that we have an independent discussion about what
21 they recommended.

22 Q When you have an independent discussion among the
23 executive committee members, do the other two members rely
24 on your interpretation and your advice regarding whether you
25 should follow what your outside counsel wants you to do?

1 A No, you know, it's an equal vote there, and it's
2 usually a concept which is taking place. I will explain
3 something that maybe I understand because of the legal
4 jargon to the other members of the executive committee, but
5 the three of us make a decision.

6 Q So you don't use your legal expertise at all in
7 your dealings in Alee, is that basically what you're telling
8 me?

9 A No. I told you I've drawn leases, and when
10 something comes up which is not understandable, I will
11 explain it to the other members of the executive committee
12 or to the partnership as a whole: "What is an appeal? When
13 is this going to be finished? What does this mean?" I'm
14 taking examples, but I don't recall -- a stay or something
15 like that or an injunction, I mean.

16 Q Other than defining terms for the other executive
17 committee members which I believe they could look up in any
18 dictionary, do you --

19 JUDGE STEINBERG: Just leave the last part of that
20 out.

21 BY MS. LANCASTER:

22 Q Do you advise them that you think this is a good
23 course of action or not a good course of action based on
24 your legal expertise?

25 A I will give my advise at times, yes.

1 JUDGE STEINBERG: Let me interrupt. You were
2 talking about the time that you came not to trust Mr. Kane
3 again.

4 THE WITNESS: Yes.

5 JUDGE STEINBERG: Anymore.

6 THE WITNESS: Yes.

7 JUDGE STEINBERG: And you were talking about you
8 saw a letter that was written to you but sent to his
9 address?

10 THE WITNESS: Sent to his address. My home
11 address was on 428 applications and the FCC had always sent
12 notices to me, and here our attorney, Bill Franklin, sends a
13 letter, it said, I remember, Robert A. Bernstein care of
14 Allan C. Kane Associates, 191 North Avenue Lease, Cranford,
15 which is Allan Kane's office. And that letter was pretty
16 damning, and I had never seen that letter before.

17 MS. LANCASTER: Your Honor, I'm going to object to
18 this. This is re-litigation of Alqreg absolutely.

19 JUDGE STEINBERG: No, I'm clarifying some of the
20 questions that you asked because you said the first time you
21 saw that letter was at a deposition.

22 THE WITNESS: Yes.

23 JUDGE STEINBERG: The reason I'm asking this
24 question is was it a deposition that you attended. Was it
25 last July in this Texas 21 proceedings?

1 THE WITNESS: No. This was years ago.

2 JUDGE STEINBERG: This was in the Algreg case.

3 THE WITNESS: Yeah.

4 JUDGE STEINBERG: Okay.

5 THE WITNESS: Like 1991 or something like that.

6 JUDGE STEINBERG: Okay, because I did not know if
7 this was a -- the witness testified he saw a letter in a
8 deposition and the only deposition I know about in this one.
9 I'm clarifying as to what that was.

10 MS. LANCASTER: I'm sorry. I thought that when I
11 asked him the question I said in Algreg, but I may not have.

12 JUDGE STEINBERG: You may and I may have missed
13 it. I do miss stuff every now and then

14 BY MS. LANCASTER:

15 Q Which brings me back to another question I forgot
16 to ask you, so I appreciate the judge reminding me
17 inadvertently. You talked about Mr. Franklin and that he
18 was kind of there when the partnership first started. Did
19 you trust Mr. Franklin initially?

20 A Yes.

21 Q When did you first stop trusting him? Would that
22 also have been when you saw the letter or was it prior to
23 that time?

24 A It would have started to have come about when I
25 saw that letter. During the litigation, I started seeing

1 things, mutual risk sharing agreements, two different
2 versions, this letter. That's about when it came about. Up
3 to that point, I had no reason to mistrust him.

4 Q Approximately what date was that? I mean, what
5 year? Give us a general idea.

6 A It would have been somewhere around 1991.

7 Q Now, Mr. Kane had been terminated by Alee prior to
8 that time, is that correct?

9 A Yes, he had been.

10 Q There was a vote to terminate his services?

11 A Yes, there was.

12 Q Did you vote to terminate him?

13 A I abstained from that vote.

14 Q How about Mr. Franklin? His services had been
15 terminated prior to that time, hadn't they?

16 A We terminated Allan Kane in January of 1990. Yes.
17 Bill Franklin's services was terminated prior to that.

18 Q Did you vote to terminate Mr. Franklin's services?

19 A Yes, but that was not because of mistrust.

20 Q Why was it then?

21 A The mutual risk sharing agreement was now in
22 question which had been drawn up by Franklin. Clearly we
23 needed independent attorneys.

24 Q So it wasn't because you thought there was
25 anything wrong with the mutual risk sharing agreement?

1 A I didn't know it at that point. No, I knew it was
2 questioned at the FCC for saying that there was something
3 wrong, and we hired counsel to represent us in this. But it
4 wasn't until after the litigation got underway that I
5 started to see things that had not been disclosed to me and
6 things that had been misrepresented.

7 Q You stated that you have been a member of the
8 executive committee since 1988, is that correct?

9 A Yes, that's correct.

10 Q How were you elected to the executive committee
11 initially?

12 A There was a vote taken at that very first meeting,
13 and I was nominated by somebody and they elected me.

14 Q Do you recall who nominated you?

15 A No, I don't.

16 Q Who did you know at that first meeting?

17 A The only person I really knew was Joel Bunis at
18 that meeting.

19 Q He was a friend of your father in law's neighbor
20 or something like that. Is that correct?

21 A He was a son-in-law of my father-in-law's
22 neighbor.

23 Q so you had met him *through* your father-in-law?

24 A Yes, once or twice.

25 Q Was he the person you think that nominated you?

1 A I don't think so.

2 Q You have remained a member of the executive
3 committee continuously since that time?

4 A Yes.

5 Q How often have you been re-elected to the
6 executive committee?

7 A I've been re-elected, but I can't tell you. I
8 would have to guess at how many times.

9 Q When was the last time you were re-elected to the
10 executive committee?

11 A It had to be a few years back, two or three years
12 ago.

13 Q How is it determined when there is an election to
14 the executive committee?

15 A That was done sporadically. There wasn't a set --
16 there hasn't been any set time, you know, that we'd serve
17 for three years or five years. There would be a vote of
18 confidence or of appreciation of what the executive members
19 had been doing, and then we'd talk about reelection, did
20 anybody else want to be on the committee, and then there
21 would be a re-election.

22 Q Who brings it up?

23 A One of the partners. There have been a number of
24 meetings where as we're getting towards the end of the
25 meeting one partner will stand up or will say something. We

1 really appreciate the time, and so on, that Bob, and Becky
2 Jo, and Terry have been doing, and then it leads into a vote
3 for re-election.

4 Q I believe Mr. Jones has also been a member of the
5 executive committee since its inception, is that correct?

6 A Yes, that's correct.

7 Q Is there any language -- how did the executive
8 committee come about in the first place? Are there any
9 provisions for it somewhere?

10 A Not -- I know, I believe in the partnership
11 agreement, and I know that there's a manager in the
12 partnership agreement. I don't recall what specifically
13 gave rise to it at that December meeting, but I know that we
14 had decided to elect an executive committee.

15 Q Well, if you'll turn to Exhibit 23 in the black
16 notebook, that is the partnership agreement, I believe.
17 Well, I'll ask you if you if you recognize it as being the
18 partnership agreement.

19 A Yes.

20 Q Can you point out to me any provision within that
21 agreement regarding the executive committee?

22 A It specifically refers to the manager.

23 Q The manager would have initially been Mr. Kane, is
24 that correct?

25 A That's correct. (Reviewing document.) Not

specifically referred to.

2 Q Well, do you recall why there was ever an
3 executive committee originally appointed?

4 A My recollection is very vague. Becky Jo Clark
5 comes to mind as discussing something at that meeting. We
6 were the most vocal, Becky Jo, John Dolphin, myself, and
7 Terry, and I don't know whether it -- I'm guessing that it
E was her suggestion.

9 Q John Dolphin was at the first meeting?

10 A Yes, he came on behalf of -- his wife couldn't
11 come. I don't know whether she was pregnant or what, but he
12 came to that first meeting on behalf of Cellular Dreams.

13 Q I want you to look back on page 4 of your
14 statement. Go again to that sentence where you say you were
15 acting in a ministerial role.

16 A Yes.

17 Q I believe you state that they appointed you, that
18 Allan Kane asked you to do it because he saw you frequently,
19 is that basically --

20 A Yes, that's what he told me.

21 Q Okay now, he was your father-in-law, is that
22 correct?

23 A Yes.

24 Q How often did you see him when he was your father-
25 in-law?

1 A A couple of times a month they would invite us
2 over for dinner during the week. Sometimes they would be
3 baby-sitting with Mitchell.

4 Q Mitchell's your son?

5 A Yes.

6 Q Okay.

7 A And we'd be invited to come over for dinner, pick
8 him up and go home.

9 Q You're now divorced, is that correct?

10 A Yes.

11 Q When did -- you separated prior to your divorce?

12 A Yes. We separated in July of 1990.

13 Q And you divorced when?

14 A It was either late 1991 or early 1992. I can't
15 remember now.

16 Q Well, by the time you separated, Mr. Kane was no
17 longer the manager of Alee, is that correct?

18 A Yes, that's correct.

19 Q But you continued to sign documents on behalf of
20 Alee, is that correct?

21 A I don't think that I signed documents on behalf of
22 Alee. I'm trying to think after January of 1990. I'm
23 trying to

24 Q Turn to Exhibit 12, please, and look on page 4.

25 JUDGE STEINBERG: Your Exhibit 12?

1 MS. LANCASTER: Yes, I'm sorry. In the black
2 notebook.

3 THE WITNESS: Yes.

4 JUDGE STEINBERG: Okay, do you want to identify
5 it?

6 BY MS. LANCASTER:

7 Q And this is the application for the Texas 21
8 license.

9 A Yes.

10 Q Is that your signature in block 24 on page 4 of
11 Exhibit 12?

12 A What page was that on?

13 Q Exhibit 12, page 4.

14 A Page 4.

15 Q Block 25 actually.

16 A It's difficult to read, but it looks like my
17 signature

18 Q Look on page 1 of that exhibit.

19 A Yes.

20 Q When was that filed with the FCC?

21 A It was filed April of 1992, but I believe that
22 this was signed earlier.

23 Q I can't read the date, so that's why I'm asking.

24 A I believe that this was the original application
25 that we filed for all of the 428 areas, that this was signed

1 initially. I don't think that I signed it again.

2 Q Okay, so it's your testimony that the last time
3 you signed anything was when?

4 A I believe that it was around January of 1990. I
5 can't say positively that I didn't sign anything, but at
6 that point, Becky Jo Clark became the chairperson and
7 anything that needed to be signed from that point forward
8 was basically signed by her.

9 Q Well, Terry Jones has also signed documents on
10 behalf of Alee, hasn't he, since that time?

11 A Yes. Usually when Becky Jo hasn't been available.
12 There have been occasions, yes.

13 JUDGE STEINBERG: While we are here, let me
14 identify your Exhibit 12. I count 32 pages.

15 MS. LANCASTER: I'm sorry, Your Honor.

16 JUDGE STEINBERG: And it is Alee Cellular
17 Communications application for the Texas 21 market, market
18 No. 672-A, Texas 21 chambers, and that will be marked for
19 identification as enforcement to your Exhibit 12.

20 (The document referred to was
21 marked for identification as
22 EB Exhibit No. 12.)

23 MS. LANCASTER: Your Honor, I would just move that
24 that be entered into evidence.

25 JUDGE STEINBERG: Any objection?

1 MR. HILL: I don't have any objection, per se, but
2 it does bother me that we get a big volume like that. Don't
3 we just want the first four pages? No objection, Your
4 Honor.

5 JUDGE STEINBERG: Okay. Mr. Evans?

6 MR. EVANS: No objections.

7 JUDGE STEINBERG: I mean Mr. Quianzon.

8 MR. QUIANZON: No objection.

9 JUDGE STEINBERG: Exhibit 12 is received.

10 (The document referred to,
11 previously identified as EB
12 Exhibit No. 12, was received
13 in evidence.)

14 JUDGE STEINBERG: Well, if you just have the first
15 four pages there, then the objection would be we need the
16 whole application, so.

17 MR. HILL: I know.

18 JUDGE STEINBERG: You know, one way or the other.
19 I mean, we have heard that one this morning.

20 BY MS. LANCASTER:

21 Q As I understand your testimony regarding how often
22 you saw Mr. Kane prior to your separation from you wife, it
23 was approximately a couple times a month, is that right?

24 A Yes.

25 Q That was sufficient for him to give you whatever

1 you needed to sign and for you to sign it?

2 A Most of the times that I was seeing him were
3 social, and even with the signing, this would almost always
4 occur -- we're finished with dinner. It's a quarter to
5 nine. I'm in the same suit. My son's falling asleep --
6 "oh, I've got something here from Alee that needs to be
7 signed." Even the applications were done that way.

8 I wasn't in the office during the day visiting him
9 on a business level. It was, "hey, Bob, there's something
10 here that has to be signed and it needs to get out right
11 away."

12 Q Did you complain to him about that?

13 A I complained that, you know, what is this. "Bob,
14 we have very bright Washington attorneys who have drawn this
15 up. This is what needs to be done, and they've reviewed
16 this," and I, like a jerk, just signed it.

17 Q So everything that was given to you, you were told
18 had been reviewed by attorneys. Every time you were told it
19 had been reviewed by the attorneys and that it was what you
20 needed to sign?

21 A I don't know that it was every single time. It
22 became a pattern. I don't know that I asked him every
23 single time. For instance, there were different tiers and
24 there were a lot of pages that needed to be signed. After
25 the first time that occurred, I don't know that I questioned

1 about the second, and the third, and the fourth tier. I
2 mean, I expected it.

3 Q Well, did you ever to say, "well, I'll be happy to
4 take this to my office and look it over and get it hack to
5 you," you know, "drop it back in the mail for you," or "I'll
6 drop it hack by or you can come by and get it," but take it
7 with you so you had time to review what it was you were
8 signing?

9 A No. I didn't, and boy has it come back to hit me.

10 Q Is that what happened on the 1989 amendment to the
11 New Mexico 3 application that was a subject of the Algreg
12 proceeding?

13 A This is the way everything was done. I can't tell
14 you specifically, you know, that I remember the meeting of
15 the 1989 amendment, hut "this is something that's got to be
16 gotten out and we've got to file it and it needs to be
17 signed."

18 Q Were you negligent in doing that?

19 A I was very negligent.

20 Q In fact, if you had done that while working on
21 behalf of one of your clients, you would have been subject
22 to a malpractice action, wouldn't you?

23 A At the minimum, yes. I did things that I would
24 never have let a client do. This was my father-in-law.
25 It's an investment, and I didn't pay much attention to it.

1 I didn't give it a lot of importance. I didn't appreciate
2 the gravity of what I was doing when it looks like you're
3 being pressed.

4 Q When you're presented with documents now from your
5 counsel, do you review them carefully?

6 A Yes, I try to, yes.

7 Q Do you make an independent determination whether
8 or not this is a position that you think Alee ought to take?

9 A If a question arises, I discuss it with counsel.
10 With Franklin, I never had any one-on-one discussions. I do
11 rely on counsel if sometimes something may come up and I, or
12 Becky Jo, or the three of us will speak with counsel, but
13 yes I do rely on counsel.

14 Q But do you make an independent determination is
15 what I'm asking you?

16 A Yes. I try to understand it.

17 Q Do you receive advanced copies of everything that
18 is filed on behalf of Alee at this point?

19 A I don't know about everything because Becky Jo is
20 generally the point person in the signing, but I know that I
21 receive copies of a lot of things.

22 Q Well, Becky Jo might be the point person in
23 *signing* everything that's *filed*, but *aren't* you on the
24 executive committee? Wouldn't you get a copy of *it*?

25 A I believe that I would.

1 Q Did you get a copy of the renewal application that
2 Alee recently filed for the New Mexico 3 license. Well,
3 recently -- it was in 2000. Do you recall?

4 A I don't specifically recall, but I believe that I
5 did.

6 JUDGE STEINBERG: Why don't you --

7 MS. LANCASTER: I was going to show it to him. I
8 believe it should be up there. It's marked as --

9 JUDGE STEINBERG: Well, why don't YOU help see if
10 it's up there.

11 MS. LANCASTER: May I approach to see?

12 JUDGE STEINBERG: Sure, because I think some
13 things were removed.

14 MS. LANCASTER: I'm actually going to ask about 26
15 and 21, so, if they were given copies.

16 JUDGE STEINBERG: Off the record.

17 (Whereupon, a short recess was taken.)

18 JUDGE STEINBERG: Back on the record. While we
19 were off the record, the witness was given copies in portion
20 for your Exhibits 26 and 27 to look over.

21 BY MS. LANCASTER:

22 Q If you will look at EB Exhibit 26, Mr. Bernstein,
23 and tell me if you recognize that document.

24 A (Reviewing document.)

25 JUDGE STEINBERG: We can go off the record while

1 the witness is looking at the document.

2 (Whereupon, a short recess was taken.)

3 JUDGE STEINBERG: Back on the record.

4 THE WITNESS: I don't know whether I recognize
5 *this*. I know that the renewal application was being filed.
6 I can't specifically recall whether or not I received it. I
7 presume that I did.

8 BY MS. LANCASTER:

9 Q Do you recall there being any discussion about
10 question 45 of the application where it says, "Basic
11 Qualification Questions." Do you see where I'm talking
12 about?

13 A I have question 45 in front of me. (Reviewing
14 document.) I don't recall specifically question 45, as I
15 say, the document, but I know that there was discussions
16 about the pending revocation of New Mexico, and I know that
17 counsel has advised us of a time that there were three
18 different notifications to the FCC regarding the fact that
19 there was a pending revocation or that actually it had been
20 revoked and that it was being appealed.

21 Q But you don't recall there being any discussion on
22 how to answer question 45 of the renewal application?

23 A I don't recall specifically discussing the renewal
24 application. I know that -- in other words, the form and
25 how it should be signed, but I do recall that there were

1 discussions about notifying the FCC of the pending
2 revocation.

3 Q Look at --

4 JUDGE STEINBERG: Can I ask, if the FCC revoked
5 the license, why would somebody have to notify the FCC of
6 the revocation? Why were there discussions about notifying
7 the FCC about the revocations of the New Mexico 3 when the
E Commission was the one that did it?

9 THE WITNESS: Your Honor, I don't know if it was
10 specifically with respect to this, but it sounded very --

11 JUDGE STEINBERG: "This" being to question 45?

12 THE WITNESS: Question 45. But it seemed odd that
13 we are revoked and here is a request for renewal. But if
14 you don't renew, you're damned because then the license
15 falls. So, I mean, there are a number of things that I just
16 don't understand about the FCC, but it sounded very unusual.

17 It sounded odd, but I was made to understand you
18 don't file this -- the same way if we didn't construct while
19 we were in litigation, the tower, then we lost whether we
20 won the litigation or not. And this was something that had
21 to be done, and so it was done.

22 BY MS. LANCASTER:

23 Q Okay. Look at page 5 of that exhibit. There is
24 an October 10, 2000, letter to the secretary of the Federal
25 Communications Commission and it's signed by John Bankston.

Do you recognize that letter?

2 A I don't recognize the letter, but what I
3 understand, we had discussion of what this said. This was
4 one of the notifications that counsel said it was sending to
5 the FCC.

6 Q At the time, was that your understanding that you
7 had to send this letter in order to clarify your response to
8 question 45?

9 A If --

10 Q If you look at question 45 -- before you answer.

11 A Okay.

12 Q Go back and look at question 45, and right above
13 it it says, "Basic Qualification (if any answer is yes,
14 attach exhibit explaining the circumstances)." Did that
15 have any influence as far as you knew regarding the reason
16 for sending the October 10, 2000, letter?

17 A As I said, I don't recall this specific
18 application or number 45. But as I understood, the letter
19 was in the interest of full disclosure.

20 Q Okay.

21 A We'd certainly been beaten on before. We wanted
22 to make sure that we fully disclosed.

23 Q Well, if you were going to fully disclose, Mr.
24 Bernstein, wouldn't you have said in the letter that Alee
25 had had its license revoked?

1 A No, this was drawn up by counsel. I --

2 Q Wait a minute.

3 A Yes.

4 Q If you would just answer yes or no. If you were
5 going to have full disclosure, isn't it logical that you
6 would somewhere mention in the letter that you had had your
7 license revoked?

8 A I think that's what it says when referring to
9 those cases. Those cases -- we're dealing with the FCC.
10 It's not like we're dealing with the IRS.

11 JUDGE STEINBERG: What difference does that make?

12 THE WITNESS: Well, I mean, it's their case.

13 We're talking about their case, the FCC's case.

14 BY MS. LANCASTER:

15 Q Who do you think reviewed the letter that was sent
16 in?

17 A I have no idea.

18 Q Is it your position that in the FCC every division
19 should be aware of what every other division or department
20 is doing?

21 A I have no idea.

22 Q That's a yes or no answer question, please. Yes
23 or no?

24 A That every division should be aware of what every
25 other division is doing?

1 Q Correct.

2 A Yes.

3 Q So if you send a notice about one thing from one
4 division and you send it somewhere else, then they are
5 supposed to automatically know what it pertains to?

6 A Yes.

7 Q Is the name of the case given in this letter?

8 A No, it is not.

9 Q Is the subject of the case given in this letter?

10 A No, it is not.

11 Q If you did not already know what this case was
12 about, would this letter tell you what it was about?

13 A Me, no.

14 Q But yet in your opinion this letter constitutes
15 full disclosure of Alee's revocation proceeding?

16 A Yes.

17 Q Who's responsible at Alee for making sure that
18 Alee follows all the FCC rules?

19 A Well, we all are and we look to counsel.

20 Q Is there any one person who's more responsible
21 than the others?

22 A No, I wouldn't say so.

23 Q So there's *no* one person where -- you've heard the
24 expression "the buck stops here"? Have you heard that
25 expression before?

1 A Yes, I have.

2 Q So there's no one person where the buck stops here
3 as far as compliance with FCC rules and regulations?

4 A Well, I would say that the executive committee is
5 more responsible than the other general partners although I
6 know we're all general partners and we're all responsible.

7 Q Who on the executive committee would be primarily
8 the point person for making sure that FCC rules and
9 regulations are followed?

10 A I would say it's equally on the three of us.

11 Q Is there anyone on the executive committee more
12 qualified than you are to make a determination whether FCC
13 rules and regs are being followed?

14 A I don't think so. We all have different
15 expertises, but no one is expert in FCC rules and
16 regulations.

17 Q Okay, well, let me ask you this. You have outside
18 counsel, correct?

19 A Yes.

20 Q Do you keep that outside counsel on a retainer?

21 A No. We pay hourly for the work done by outside
22 counsel.

23 Q So if you had a *question* about something, you
24 would go to outside counsel. Would that be a correct
25 assessment?